
HUMAN RIGHTS COUNCIL ESTABLISHES INDEPENDENT, INTERNATIONAL COMMISSION OF INQUIRY FOR THE OCCUPIED PALESTINIAN TERRITORY

23 July 2014

The Human Rights Council this afternoon concluded its Special Session on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, after adopting a resolution in which it decided to establish an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory.

In the resolution, adopted by a vote of 29 States in favour, 1 against and 17 abstentions, the Council strongly condemned the failure of Israel, the occupying Power, to end its prolonged occupation of the Occupied Palestinian Territory, including East Jerusalem; and condemned in the strongest terms the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations carried out in the Occupied Palestinian Territory since 13 June 2014 that may amount to international crimes, directly resulting in the killing of more than 650 Palestinians, most of them civilians and more than 170 of whom were children, the injury of more than 4,000 people and the wanton destruction of homes, vital infrastructure and public properties.

The Council further condemned all violence against civilians wherever it occurred, including the killing of two Israeli civilians as a result of rocket fire. It called for an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory, including East Jerusalem, and an end to attacks against all civilians, including Israeli civilians. The Council demanded that Israel immediately and fully end its illegal closure of the occupied Gaza Strip and called upon the international community to provide urgently needed humanitarian assistance and services to the Palestinian people in the Gaza Strip.

In the resolution, the Council decided to urgently dispatch an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, and to report to the Council at its twenty-eighth session. It also recommended that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, promptly reconvene the conference of High Contracting Parties to the Convention.

In the general debate, speakers continued to call for the immediate halt of Israeli operations against civilians and civilian targets in Gaza. Some spoke in support of Israel's right to defend its population against terrorist attacks, and condemned reprehensible acts, including indiscriminate firing of rockets into Israel by Hamas and other armed groups. Others called attention to the fact that children were bearing the brunt of the escalating violence. Israel's attempts to warn Palestinian civilians to flee areas where terrorist military installations were noted by some speakers, while others said this meant nothing as the inhabitants of Gaza had no place to flee. Many speakers supported the establishment of an independent international commission of inquiry, and some called for a meeting of the High Contracting Parties to the Fourth Geneva Convention.

Speaking during this afternoon's debate were representatives of Syria, Organization of Islamic Cooperation, Malaysia, Canada, Tunisia, Jordan, Libya, Mauritania, Iceland, Holy See, Sudan, Thailand, Democratic People's Republic of Korea, Ecuador, Bahrain, Uruguay, Iran, Switzerland, Malta, Australia, United Nations Children's Fund, New Zealand, Spain, Niger, Bolivia, Oman, Sri Lanka, African Union, Denmark, Lebanon, Mauritius, Portugal, Norway, Afghanistan, Bangladesh, Chad, Iraq, Guinea, Djibouti and Angola.

The Independent Human Rights Commission of Palestine spoke and the following non-governmental organizations took the floor: Independent Human Rights Commission of Palestine, Action Contre la Faim International, Norwegian Refugee Council, BADIL Resource Centre for Palestinian Residency and Refugees Rights, Maarij Foundation for Peace and Development, International Institute for Peace, Justice and Human Rights, Union of Arab Jurists, World Jewish Congress, Defence for Children International, Human Rights Watch, Coordinating Board of Jewish Organizations B'nai B'rith, Save the Children International, International Federation for Human Rights Leagues, UN Watch, Caritas International, International Commission of Jurists, Cairo Institute for Human Rights Studies, CIVICUS - World Alliance for Citizen Participation, European Union of Jewish Students, Rencontre Africaine pour la defense des droits de l'homme, General Arab Women Federation, International Association of Jewish Lawyers and Jurists, Amnesty International, Amuta for NGO Responsibility and Al Mezan Centre for Human Rights.

Pakistan introduced the resolution on behalf of the Organization of Islamic Cooperation.

Israel and Palestine took the floor as concerned countries. The United States, Italy on behalf of the European Union, Brazil and Peru spoke in explanations of the vote before the vote. Gabon, Chile and Japan spoke in explanation of the vote after the vote.

This was the twenty-first Special Session of the Human Rights Council. A summary of the first part of the meeting can be found [here](#). Documentation relating to the Special Session, including the resolution, is available on the [Human Rights Council webpage](#). The twenty-seventh regular session of the Human Rights Council will take place from 8 to 26 September 2014.

General Debate

Syria said that extremist gangs of settlers had been allowed to abduct a Palestinian child and burn him alive, which had led to further massacres of the innocent, particularly women and children. Israel had continuously shown utter disregard for international law. The international community had to ensure that such crimes did not go unpunished. Syria supported the legitimate resistance of the Palestinian people.

Organization of Islamic Cooperation stated that the murderous and blind attacks of the Israeli army had led to hundreds of civilian deaths, flouting international law and gravely violating human rights. The Council should set up an independent investigative commission to look into those severe breaches of international law. No country, no matter how powerful it was, should be allowed to massacre civilians with impunity.

Malaysia condemned in the strongest terms the ongoing barbaric and military aggression by Israel on Gaza. Israel's so-called self-defence had in fact killed thousands of innocent Palestinian civilians over the years. Israel had to be held fully accountable, and no room should be left for its disrespect of the United Nations Charter. Israel should fully halt its military assault on Gaza and end its illegal occupation of the Gaza Strip.

Canada said the Council should call for calm and an end to the hostilities, not establish a new mechanism. Canada supported Israel's right to defend its population against terrorist attacks, and condemned reprehensible acts by Hamas and other armed groups. The Council should not embolden them by agreeing a resolution that did not even condemn such acts.

Tunisia condemned in the strongest possible terms the barbaric terrorist attacks by Israel in Gaza, and asked the Council to demand that the Israelis responsible were brought before the International Criminal Court. Tunisia quoted testimonies from various world leaders that Israel was a terrorist State acting like the Nazis, committing war crimes and establishing apartheid.

Jordan said Israel was acting in blatant violation of international human rights law. Some 100,000 Palestinians had been internally displaced. The targeting of civilians, no matter which side they were on, forced the Council to fulfil its reason for existence. The Council should establish a commission of inquiry and call for a meeting of the Contracting Parties to the Fourth Geneva Convention.

Libya strongly condemned the barbaric invasion by the Israeli occupying power, which had led to the deaths of more than 600 Palestinians, many of them children. The disastrous situation could not be justified by self-defence, but was rather a collective punishment of the Palestinian people, in contravention of international law. An independent commission of inquiry ought to be sent to Palestine as soon as possible.

Mauritania condemned in the strongest terms the Israeli aggression, which was an affront to human conscience and constituted collective punishment and genocide. Israel's actions would have negative repercussions on the situation in the entire region. Israel, as the occupying power, was blatantly responsible for the violations of human rights and international humanitarian law in the occupied territories.

Iceland said that, once again, it was Palestinian civilians, innocent women and children, who suffered most. Iceland strongly condemned the violations of international humanitarian law by both sides, and called on Israel to cease all military operations in Gaza without delay. Attacks on Israel also had to stop without delay. Iceland commended the Secretary-General for going to the region and providing his good offices.

Holy See said the voice of reason seemed submerged by the blast of arms. The perpetration of injustices and the violation of human rights, especially the right to life and to live in peace and security, sowed fresh seeds of hatred and resentment. In his pilgrimage to the Holy Land Pope Francis demanded that the present unacceptable situation of the Israeli-Palestinian conflict be brought to an end.

Sudan said with 650 dead, thousands wounded and many thousands more displaced, the violations committed by Israel represented a policy of racial and ethnic cleansing, a massacre and genocide at a time when mankind had rejected the racist law of the jungle and moved into a time of human dignity. The Council must recognize that Israel was an occupying power supported by a superpower that could do whatever it wanted.

Thailand said the right to life should be protected at all times and in all circumstances, even in the course of hostilities. Thailand supported the Security Council call for the immediate cessation of hostilities, including allowing unfettered access to provide humanitarian access to innocent civilians in a timely and sustained manner. Violence only perpetuated a vicious cycle of violence and greater insecurity in the region.

Democratic People's Republic of Korea condemned, in the strongest terms, Israel's reckless military actions, which had caused bloodshed again in Palestine. Israel's brutal killings of over 600 defenceless Palestinians through indiscriminate military attacks on peaceful residential areas were particularly denounced. Israel should immediately stop all illegal military actions against Palestine.

Ecuador believed in peaceful coexistence of peoples, and recognized the rights of both Israelis and Palestinians to enjoy security and well-being. Unlimited humanitarian and medical aid to the Gaza Strip had to be guaranteed. Israel, as the occupying power, had to respect the human rights of the Palestinians, and to abide by its human rights obligations, in accordance with the treaties it had ratified.

Bahrain stated that the barbaric aggression by the Israeli occupying forces was a blatant violation of all international laws and customs. Israel's aggression was completely unacceptable, as it completely disregarded the 2012 ceasefire agreement. Palestinian territories should be placed under international protection until Israel evacuated all the occupied lands. Israel was called upon to comply with international law.

Uruguay said the political issues underlying the conflict did not fall strictly within the remit of the Council, as other areas of the United Nations dealt with them, but it was clear that the Council could not remain silent given the escalating violence and loss of life in Gaza. Uruguay condemned any hostilities against civilians, and said the violence must end and international humanitarian law must prevail.

Iran said the brutal use of force by Israel against the Palestinian people, including in residential areas, hospitals and schools, added to the long list of violations by Israel over the past 60 years, in systematic and flagrant breach of international law. The international community must not repeat previous mistakes; it must take some responsibility for the situation. The Council must also identify the Israeli officials who had perpetrated war crimes and crimes against humanity.

Switzerland recalled that reprisals against civilians and indiscriminate attacks were prohibited by international law, and said it supported the establishment of an international commission of inquiry to investigate all human rights allegations. It called on all parties concerned to agree to a ceasefire, paving the way to the lifting of the blockade and lasting improvement to the security of both the Israeli and Palestinian people.

Malta said that there had been international calls to end attacks by Hamas and retaliatory actions by Israel. Schools and hospitals in Gaza had been targeted, which meant that children bore the brunt of the ongoing hostilities. Israeli children were also living in the shadow of rockets, while far too many Palestinian children had died or lost family members. There were clear European Union parameters for future negotiations, which Malta supported.

Australia was deeply concerned about the growing number of casualties on both sides, including many Palestinian civilians. The draft resolution was unbalanced, did not mention Hamas' role in the current situation, and Australia could not support it in its current form. Australia supported Israel's right to defend itself, but, in doing so, it should take all necessary steps to prevent civilian casualties.

United Nations Children's Fund called attention to the fact that children were bearing the brunt of the escalating violence. As of 22 July, 146 children had been killed. Protection was needed to ensure the safety of shelters and refugees, and for families trying to relocate to safer areas. Eighty-five schools had been damaged since the beginning of the emergency. More than 72,000 were currently in need of emergency psycho-social support, and the number was expected to rise.

New Zealand called for an end to a conflict that could and should have been avoided, saying the tragic events of the past two weeks had led to an appalling degree of human suffering and its ongoing repercussions. Parties on both sides continued to fall short of their obligations to protect civilians. It was vital that a meaningful and permanent two-State solution be found, including a sustainable end to the blockade of Gaza. The pattern of conflict had gone on too long and the cost to innocent civilians was too high.

Spain said while Israel had the right to protect its population it also had a duty to protect civilians and respect the principles of proportionality and international law. The main priority was to achieve a ceasefire, said Spain, but the need to achieve a negotiated two-State solution – a stable Palestine and a secure Israel – could only be achieved through talking, and Spain urged both sides to return to the negotiating table.

Niger said the seriousness of the events in Gaza could not leave the international community indifferent as Israel was responsible for huge violations of human rights and international humanitarian law. The United Nations Secretary-General was urged to continue his efforts to achieve a ceasefire and bring the parties back to the negotiating table, in recognition of the Palestinians' right to live in their own land.

Bolivia said that hundreds of Palestinian civilians were victims of the Israeli aggression. The international community should provide for the urgent convening of a dialogue between Palestine and Israel. Israel's violations of human rights were grave and systematic, and should be investigated in the context of international law. Palestine could count on the support of Bolivia.

Oman stated that it did not seek confrontation, but instead condemned all kinds of violence, which had escalated to the degree that a child had been torched alive. Practices described by the High Commissioner in the morning were tantamount to war crimes and crimes against humanity. An independent Palestinian State with East Jerusalem as its capital, along the 1967 borders, had to be established.

Sri Lanka was deeply concerned at the recent escalation of violence in Gaza, resulting in the tragic loss of civilian lives and extensive damage of property. Sri Lanka was convinced that dialogue remained the only feasible option. All parties were called upon to exercise the utmost restraint in a bid to halt the violence. The Egyptian ceasefire initiative would be a meaningful starting point in that regard.

African Union said a recent declaration issued by the African Union, in a spirit of solidarity between Africa and Palestine, deplored the recent violence in the Gaza Strip. Both parties were called upon to end the aggression with a view to removing all the blockades against Gaza and work on establishing a climate for negotiations. Africa wanted peace, nothing less, for the people of the region.

Denmark regretted that once again the civilian populations were bearing the brunt of the hostilities during the confrontation between Hamas and Israel. It strongly condemned the indiscriminate firing of rockets by Hamas and other militant groups, and condemned the loss of hundreds of civilian lives. Denmark supported calls for a swift and impartial international investigation into the civilian deaths on both sides.

Lebanon asked why the Council had waited for yet more destruction and death in Gaza before convening this Special Session. The media showed images of children dying indiscriminately in their beds, elderly people and women being killed for no other reason than being inhabitants of Gaza, and bombs raining down on the city. If those were they not sufficient reasons to hold the session, when should the Council meet?

Mauritius expressed grave concern at the latest developments in the Israeli-Palestinian conflict, and strongly condemned the killing of civilians, among them children and the elderly and the destruction of the civilian infrastructure. Mauritius appealed to the international community to spare no effort in preventing the escalation of the conflict. Mauritius also condemned Israel's illegal colonial settlement campaign.

Portugal was appalled by the continuing escalation of violence in Gaza which had resulted in the loss of hundreds of civilian lives. While Israel had the right to defend its civilian population from attacks from militant groups, the response had to be proportionate and respect international humanitarian law. Portugal called for the full implementation of the Security Council resolution 1860 on opening the crossings.

Norway condemned the rocket attacks against Israeli civilians, but being the stronger part and operating in very densely populated areas strengthened Israel's responsibility. Norway supported the efforts and leadership by Egypt to facilitate a ceasefire, which had to be followed up by measures that could substantially improve the living conditions in Gaza.

Afghanistan strongly condemned Israel's assaults on Gaza and the rising numbers of civilian lives lost, and urged the occupying power, international community and United Nations to exert every possible effort to secure a ceasefire. Afghanistan had announced an assistance package in humanitarian aid to the people of Gaza and urged the international community to provide urgently needed humanitarian assistance to the people of Gaza.

Bangladesh said the massacres of civilians in Gaza, particularly of children and women, were appalling and had shocked the world's conscience. There was no legal, political or moral justification for such actions, which were illegal and in continuous breach of the Fourth Geneva Convention. Bangladesh supported Palestine's call to establish a commission of inquiry.

Chad called upon Israel to immediately cease its air raids and land offensive which mainly targeted civilians, schools and hospitals. Chad also called upon the Palestinians to end their attacks against Israel, including the firing of rockets from the Gaza Strip. Chad called on all parties to show restraint and achieve a ceasefire, as well as to lift the blockade on Gaza.

Iraq paid tribute to the proud Arab people of Palestine who remained steadfast in face of one of the most brutal attacks by Israel. The Arab world would never fail to stand with the Palestinian people and would continue to support the two-State solution. Israel continued to enjoy seeming immunity for its crimes; Palestinians had the right to defend themselves against such blatant aggression.

Guinea congratulated the High Commissioner for her powerful statement. The indiscriminate use of force by Israel in one of the most populated areas in the world was unacceptable, and had further worsened the already dire situation in the Gaza Strip. The blockade against Gaza had to come to an end. Guinea totally supported the Palestinian people in their legitimate aspirations to have an independent State.

Djibouti was seriously concerned by the grave situation, which was, unfortunately, not a new scenario. In violation of international human rights law,

Israel had ignored the principles of proportionality and had targeted Palestinian civilians in Gaza. Perpetrators of any such heinous crimes had to be held accountable. Djibouti supported Egypt's proposal for a ceasefire and called upon parties to cooperate.

Angola said it was deeply outraged and appalled by the unacceptable situation prevailing in Gaza, which it considered to be excessive, indiscriminate and disproportionate and in flagrant violation of international humanitarian law. Angola joined the calls of the international community for an immediate ceasefire in order to deliver assistance to the victims of the conflict.

Independent Human Rights Commission of Palestine said Israel's disproportionate and indiscriminate actions had killed 650 Palestinians, injured more than 4,000 and displaced over 150,000 from their homes. There was no safe haven in Gaza. The bombardment came from land, air and sea. An immediate investigation should be carried out by an independent and impartial fact-finding mission and impunity should be ended.

Action Contre la Faim International said in the past week it had successfully delivered aid to thousands of recipients in Gaza, but the intensity of hostilities had seriously impeded the provision of emergency humanitarian aid. It was extremely concerned about the viability of helping people recover from yet another crisis amidst restrictions that drastically limited Gaza's economic and social development.

Norwegian Refugee Council said that 44 per cent of the Gaza Strip had been declared a no-go area, making Gaza even more of an open-air prison than before. In Gaza, the internally displaced persons could not find safety as they were not allowed to leave, and no place in Gaza was safe. Returning to the status quo ante was not enough.

Al-Haq stated that what they were witnessing in the Gaza Strip was a manifestation of Israel's prolonged and belligerent occupation of Palestine. The current situation was an embodiment of the international community's failure to hold Israel accountable for war crimes in the occupied territory. The status quo was not sustainable.

BADIL Resource Centre for Palestinian Residency and Refugees Rights said that 76 per cent of the Palestinians killed by Israel were civilians. Testimonies from the ground described attacks by Israel as indiscriminate and disproportionate and directly aimed at civilians. In the past seven years, the Council had failed to act decisively to ensure that Israel abided by international law.

Maarji Foundation for Peace and Development said the Council was today considering a catastrophic situation which was a result of Israel's reaction to the kidnapping of three Israeli citizens; this was collective punishment against the citizens of the Gaza Strip. More than 83 per cent of victims were civilians, killed in an area where there was no option to flee death as the aggression of Israel was all encompassing.

International Institute for Peace, Justice and Human Rights said the Special Session took place three weeks after the execution, torture and murder of a Palestinian teenager in East Jerusalem, and three weeks of Israeli aggression against Gaza. The Institute condemned the attacks against the Palestinian people, their hospitals, and their schools, and made several recommendations for a fact-finding mission.

Union of Arab Jurists said despite calls from the United Nations and other international bodies, Israel's aggression in the occupied Palestinian territories continued. Israel considered itself to be above United Nations resolutions and above the law. Those countries which supported Israel equated the victim and the aggressor, knowing full well of the inalienable right to self-determination and legitimate resistance.

World Jewish Congress said that by firing hundreds of rockets at Israeli civilians, Hamas had launched an armed attack against a United Nations Member State. Hamas was the violator of human rights, as it used children as human shields and violated the sanctity of mosques, hospitals and schools. The Council should reject the resolution and sanction Hamas for its wanton violation of human rights.

Defence for Children International said that thus far more children had been killed by Israeli fire than Palestinian militants. Eighty-five schools had been damaged by shelling by Israeli forces. International law was clear in stating that civilians, including children, should never be targeted. An immediate ceasefire, which should also end the blockade on the Gaza Strip, was called for.

Human Rights Watch had documented eight airstrikes on civilian targets before the ground offensive had begun on 17 July. Neither the Israeli nor Palestinian authorities had taken the necessary steps to prosecute violators, who existed on both sides. The Council should mandate the Office of the High Commissioner to form a fact-finding mission, which should establish accountability and issue recommendations to the United Nations and the parties.

Coordinating Board of Jewish Organizations; B'nai B'rith said Hamas had fired some 1,700 rockets at Israel, and it used its own people as human shields. Israel made attempts to warn Palestinian civilians to flee areas where terrorist military installations were, by sending text and telephone messages. The Coordinating Board said they were here today for peace.

Save the Children International said the number of casualties in the Gaza Strip was unprecedented. One out of every five people killed by the recent strikes was a child. Around 80,000 children had experienced death or injury in their families, or lost a home. Children were being denied access to healthcare and schooling. Save the Children International called for the protection of school facilities and respect for their integrity.

International Federation for Human Rights Leagues said since the launch of 'Operation Protective Edge' on 7 July Israel had killed at least 650 people in the occupied Gaza Strip. At the same time, thousands of rockets had been fired at Israel from within the Gaza Strip causing the death of two Israeli civilians. The imbalance of power could not be overlooked. Israel and Palestine should ratify the Rome Statute to help ensure accountability.

UN Watch said that the draft resolution denied Israel's right to self-defence. If in the past year, the Council had not cried out when thousands had been killed in street protests in Turkey, Egypt, Libya and Afghanistan, why did it hold a Special Session on Israel now? The Assad regime in Syria had killed 1,800 Palestinians, yet the Council had remained silent over that.

Caritas International expressed deep concern about the renewed tension in the Holy Land and the grave violations reported in the Gaza Strip. During the special prayers for peace in Israel and Palestine, convened in the Vatican on 8 June, Pope Francis had asked for courage, strength and tenacity to say no to conflict. Caritas called on both parties to the conflict to agree to an immediate ceasefire to enable humanitarian relief.

International Commission of Jurists called for an immediate end to the Palestinian military operations in Gaza and the unconditional withdrawal of the Israeli military from Gaza. All of Gaza's crossings had to be opened to allow for unrestricted humanitarian access. There had been attacks by both parties which constituted crimes under international law and their perpetrators had to be held criminally accountable.

Cairo Institute for Human Rights Studies said as an occupying power Israel had obligations under international humanitarian law, as compelled by the Fourth Geneva Convention, under which it was also bound to refrain from collective punishment. The practice to warn civilians to leave their houses before the shelling starts should not be seen as an act of morality; with the current blockade on Gaza the civilians had nowhere to go.

CIVICUS - World Alliance for Citizen Participation said it was appalled by the nightmare of rocket bombings of civilians, including children and soldiers alike, during the third war in Gaza in less than six years. Above all, CIVICUS was appalled that Israel, after its Holocaust history, had turned from a victim into a victimizer. Authorities in Gaza must recognize that they would lose support if they used Palestinians cynically as human shields.

European Union of Jewish Students said an entire nation, towns, villages and cities, was under brutal and relentless attack from over 2,000 rockets and long-range missiles fired from Gaza across the holy land. Israelis were forced to run for shelter, day and night, when air-raid sirens went off. The world should salute the terrorized and embattled nation of Israel which was showing such strength of spirit in resisting such massive aggression.

Rencontre Africaine pour la defense des droits de l'homme was concerned by the systematic violations of international humanitarian law in the Occupied Palestinian Territory. Israel, as the occupying power, had to protect civilians during its offensive security operations against Hamas. Both parties were invited to declare an unconditional ceasefire in order to save human lives.

General Arab Women Federation said that it was the Israeli Prime Minister's public call for revenge along with his openly declared goal to destroy the newly formed Palestinian unity Government that had set off the recent avalanche of violence. Israel's policy against the Palestinians in Gaza violated the fundamental rules of international law, and such atrocities had to be prosecuted as crimes against humanity.

International Association of Jewish Lawyers and Jurists believed that the draft resolution was contrary to the Council's mandate and did great injustice to Israel. It made no reference to violations of humanitarian law perpetrated by terror organizations. Hamas had declared on several occasions that any Israeli was a legitimate target to its attacks. The Council should condemn Hamas and its terrorist methods.

Amnesty International regretted that once more the Council was intervening after the catastrophe, and said the United Nations must find ways to intervene in crises sooner. The Council was recommended to build on the analysis and findings of the Goldstone report and back measures to find accountability for victims.

Amuta for NGO Responsibility regretted the rockets being fired at Israel's main airport, an artery for the nation, which had led to its partial shut-down and many major airlines suspending their flights to Israel. The representative said that cement given to Gaza to help Palestinians build hospitals and schools was instead used to build kilometres of 'tunnels of terror' to murder Israeli civilians.

Al Mezan Centre for Human Rights said the failure of the international community to ensure the protection of civilians had led them to this dark day, this Special Session. It urged the Council to take swift action to protect the civilians and to prosecute actions that amounted to war crimes. The international community's disgrace was the result of world leaders putting political gain ahead of the responsibility laid out in the United Nations Charter.

Action on the Draft Resolution

In a resolution (A/HRC/S-21/L.1) on **ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem**, adopted by a vote of 29 States in favour, 1 against and 17 abstentions, the Council strongly condemns the failure of Israel, the occupying Power, to end its prolonged occupation of the Occupied Palestinian Territory, including East Jerusalem; and condemns in the strongest terms the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations carried out in the Occupied Palestinian Territory since 13 June 2014 that may amount to international crimes, directly resulting in the killing of more than 650 Palestinians, most of them civilians and more than 170 of whom are children, the injury of more than 4,000 people and the wanton destruction of homes, vital infrastructure and public properties. The Council condemns all violence against civilians wherever it occurs, including the killing of two Israeli civilians as a result of rocket fire; calls for an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory, including East Jerusalem, and an end to attacks against all civilians, including Israeli civilians; demands that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip; calls upon the international community to provide urgently needed humanitarian assistance and services to the Palestinian people in the Gaza Strip; and expresses deep concern at the condition of Palestinian prisoners and detainees in Israeli jails and detention centres. The Council also recommends that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, promptly reconvene the conference of High Contracting Parties to the Convention; and decides to urgently dispatch an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including

East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, and to report to the Council at its twenty-eighth session.

The result of the vote was as follows:

In favour (29): Algeria, Argentina, Brazil, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela, and Viet Nam.

Against (1): United States of America.

Abstentions (17): Austria, Benin, Botswana, Burkina Faso, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, The former Yugoslav Republic of Macedonia, and United Kingdom.

Pakistan, speaking on the behalf of the Organization of Islamic Cooperation, presenting the draft resolution, said that barbaric acts of violence by Israel were deplorable and had led to the suffering of innocent Palestinian civilians. The draft resolution underlined the importance of providing humanitarian assistance, and called for the immediate protection of the Palestinian people in the occupied territories. The draft resolution also asked for an immediate dispatch of an independent commission of inquiry into human rights violations in the Occupied Palestinian Territory, particularly in the Gaza Strip. Pakistan hoped that the resolution would be adopted by consensus.

The President said that there were six additional co-sponsors of the resolution.

Israel, speaking as a concerned country, asked again why the Council believed that naming and shaming of Israel would achieve anything. Israel had shown its utmost restraint and agreed to a number of ceasefire arrangements, but then had no choice but to start the current operation. Israel had no interest to be in Gaza, from which it had withdrawn in 2005. Israel's attacks in Gaza targeted exclusively Hamas military targets and did what it could to avoid any collateral damage. A special commission of inquiry had been established by Israel to look into possible violations of human rights, well beyond the requirements of international law. Hamas was the aggressor, the one committing war crimes – the Council should open its eyes to the truth.

Palestine thanked the States which had supported the convening of the current Special Session, and all those who had supported the draft resolution as presented. There was a flagrant violation of human rights occurring in Palestine, which the occupying power seemed to have forgotten. The current operation was the fifth such attack against Gaza. Palestine was always prepared to find a solution, but the occupying power and those who supported it were asking Palestine to accept the occupation, which would never be accepted. Palestine was hoping for minimal justice for killed civilians, including numerous exterminated families. A commission of inquiry should identify those responsible so that they could be brought to justice. Twenty five Palestinians had been killed for every Israeli. The occupying power needed to protect civilians, which was not currently the case. Palestine would like to see an end to the bloodletting immediately. Palestine asked for all States to support the draft resolution and come to its aid.

United States, speaking in an explanation of the vote before the vote, said it remained gravely concerned about the recent violence which had impacted Palestinian and Israeli civilians, and was working intensively to achieve an end to the hostilities. The resolution today would not help achieve that goal. It was destructive, not constructive. The United States was deeply troubled by the resolution and would vote against it. Once again the Council had failed to address the situation in Israel and Palestinian territories with any semblance of balance. The resolution did not mention rockets fired from Gaza, or the tunnels made by terrorists. It would create another one-sided mechanism targeting Israel; the commission of inquiry it called for would be a needless, duplicative effort, the fourth such body established since 2006. The resolution was a political and biased instrument. The Council already had a standing agenda item focused solely on Israel, and a Special Rapporteur with a wide mandate. Furthermore, the resolution took steps outside of Council's mandate by attempting to convene a meeting of Contracting Parties to the Fourth Geneva Convention. The United States called for a vote and urged States not to vote for the resolution.

Italy, speaking on behalf of the European Union in an explanation of the vote before the vote, appreciated efforts by the sponsors of the draft resolution to consult with all members of the Council. The European Union was convinced that the most effective way to react was to use the existing mechanisms, such as through a swift deployment of a mission by the Office of the High Commissioner for Human Rights. It was regrettable that the European Union's suggestions had not been taken aboard by the resolution's sponsors. The final draft text continued to be unbalanced and prejudged the findings of the commission of inquiry even before it was formed. It also did not condemn the firing of rockets into Israel, which was why the European Union would abstain. It would have been a far better outcome if there had been a united position of the Council on the issue.

Brazil, speaking in an explanation of the vote before the vote, said it would vote in favour of the draft resolution. The gravity of the situation, in particular the alarming number of casualties, warranted a timely and strong response by the international community. There were some elements in the draft which did not fully reflect Brazil's position; Brazil would have preferred a resolution reflecting in a more balanced manner the developments on the ground. The Council had an important role to play in investigating violations of the human rights and international humanitarian law. Brazil stood ready to contribute to all international efforts to reach a peaceful solution.

Peru, speaking in an explanation of the vote before the vote, said it energetically condemned Israel's incursions into the Gaza Strip as well as the launching of rockets by Hamas into Israeli territory. It would vote in favour of the resolution.

Gabon, in an explanation of the vote after the vote, said that it attached high importance to the resolution of disputes through dialogue and negotiations. Gabon strongly urged all the parties to cease hostilities and commence talks as soon as possible. An immediate ceasefire was needed to allow for the salvation of the civilians, especially children, the elderly and the disabled.

Chile, in an explanation of the vote after the vote, said that violence was causing suffering of civilians. Chile supported the intervention of the good offices of Egypt. Chile would have also liked to see inclusion of condemnation of Hamas rockets in the adopted resolution.

Japan, in an explanation of the vote after the vote, appreciated the readiness of Palestine and some co-sponsors to include some changes in the draft resolution. The Japanese Deputy Foreign Minister was in the region at the moment, trying to help resolve the conflict. The necessity of the establishment of a new commission of inquiry should have been further considered, and the approach which could lead to further prosecutions at the International Criminal Court was questionable. That was why Japan had abstained in the vote.

For use of the information media; not an official record